

21.04.2023

Item No.15

Ct.No.34

dc.

C.R.M. (SB) 70 of 2023

In Re : An Application under Section 439(2) of the Code of Criminal Procedure, 1973.

And

In Re : **Minati Das and another**

... Petitioners.

Mr. Pradipta Nath

... For the Petitioners.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan

... For the State.

Learned advocate appearing for the petitioners is directed to serve a copy of this application for cancellation of bail upon Mr. Sanjib Kumar Dan, learned advocate, who ordinarily appears for the State. His appointment may be regularized by the concerned authorities.

Learned advocate for the petitioners has drawn the attention of the Court to the order dated 24.08.2022 and submitted that there is a difference between the direction passed by the learned Additional Chief Judicial Magistrate, Durgapur in respect of the bond required to be furnished and the subsequent part of the order dealing with under the term "Later". Learned advocate submits that although a bond of Rs.1000/- was directed to be furnished, but the accused was released by accepting a bond of Rs.500/-. Learned advocate also draws the attention of the Court to the handwritten order dated 24.08.2022 wherein he tries to

impress upon the Court that an incomplete order which is handwritten was also placed before the Division Bench of this Court. Be that as it may, the main thrust of the contention relates to the manipulation of the records of the learned Additional Chief Judicial Magistrate, Durgapur rather than the merits of the application for cancellation of bail.

In view of the alleged anomalies as pointed out by the petitioners, I am of the view that the learned Additional Chief Judicial Magistrate, Durgapur must first be approached for redressal of the grievance raised by the petitioners. If an application is filed at the instance of the petitioners, the learned Additional Chief Judicial Magistrate, Durgapur would consider the same and dispose of it within a period of thirty days from the date of filing such application. No interference is called for by this Court at this stage.

Accordingly, the application being CRM (SB) 70 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)